THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.30454 OF 1997

DATE: 1-11-2007

Between :

Yetukuri Venkatramana Naidu … Petitioner

And

1. The Mandal Revenue Officer, Rompicherla,
   Chittoor District and others. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.30454 OF 1997

ORDER :

The petitioner herein claims to be an ayacutdar under village tank – Nathesaheb Kunta in Motumallella Village, Rompicherla Mandal, Chittoor District. It is alleged that the 1st respondent has been making attempts to change the classification of the said land into poramboku and to grant pattas in favour of third parties, in which event not only the petitioner but all the ayacutdars would be deprived of the water facility for irrigating their lands. Thus, a Writ of Mandamus has been sought directing the 1st respondent not to grant patta to the respondents 2 and 3 or to any third parties in Sy.No.1957 to the extent of 7.61 cents of Nathesaheb Kunta in Motumallella Village, Rompicherla Mandal, Chittoor District and not to change the classification.

In response to Rule Nisi ordered, the Mandal Revenue Officer, Rompicherla Mandal filed a counter-affidavit in which the fact that the land to an extent of 7.61 acres situated in Sy.No.1957 is classified as Kunta Pormaboku has not been disputed. However, it is stated that the tank is not a registered source and it has no ayacut land and it has a small extent of water spread area of 57 cents only. It is stated that having found that the respondents 2 and 3 herein are landless poor and their request for grant of pattas is genuine the proposals were submitted to the Revenue Divisional Officer, Mandanapalle for change of classification of land in question as assessed waste dry. It is stated that the matter is still under consideration and no orders have been

passed so far and therefore no pattas have been granted to any third parties.

I have heard the learned Counsel for both the parties.

Nothing has been placed before this Court to show that the Revenue Divisional Officer has granted any permission for change of classification of the land in question. At any rate, whether the land in question forms part of ayauct of the tank and whether it is permissible to change the classification is a matter to be decided by the competent revenue authorities and this Court cannot make any enquiry into the rival claims.

It is also relevant to note that the proposals are still pending before the Revenue Divisional Officer.

In the circumstances, I deem it appropriate to dispose of the writ petition leaving it open to the Revenue Divisional Officer to make necessary enquiry and pass appropriate orders in accordance with law after giving opportunity to the petitioner herein to raise his objections if any. Till such orders are passed, the 1st respondent is directed not to grant pattas in favour of any third parties.

Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 1-11-2007

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